

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tessa Yesselman	Team: Squad #04	CCRB Case #: 201911001	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/04/2019 7:45 PM	Location of Incident: Inside of § 87(2)(b) At the 73rd Precinct stationhouse	18 Mo. SOL 1/19/2022	Precinct: 73
Date/Time CV Reported Fri, 12/06/2019 3:19 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/23/2019 11:11 AM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Charles Ji	01342	965761	073 PCT
2. SDS Yancy Blowe	02316	932134	GVSD Z1
3. POF Faedlie Jacques	19831	965215	073 PCT
4. SGT Zul Chowdhury	03491	948780	I.A.B.
5. POM Orkhan Mamedov	01393	965787	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Catapano	05751	961675	073 PCT
2. POM Patrick Paige	21866	959869	073 PCT
3. POM Antonio Saintjean	15246	962076	073 PCT
4. POM Danny Fitton	14958	956648	073 PCT
5. SGT Guy Randel	05347	935566	100 PCT
6. POM Matthew Kilfoyle	03460	960758	073 PCT
7. POF Nil Narbay	14251	967623	M E L D
8. POM Marlon Sanchez	23417	951199	073 DET
9. POM Mdabdul Halim	15322	956714	073 PCT
10. LT Thomas Turner	00000	926232	073 PCT
11. DT3 Brett Woodard	27829	958175	073 DET
12. POM Sunjay Verma	04184	963315	073 PCT
13. POM Steven Hong	08345	960677	SRG 3
14. SGT Christophe Musa	03353	952040	073 PCT
15. POM Dwayne Diviney	25384	963013	061 PCT
16. DT3 Joseph Mcevoy	07393	944790	GVSD Z1
17. POM Nicholas Viruet	31374	954408	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
18. POM Junsun Park	28223	959875	SRG 3
19. POM Dwane Edwards	13814	951604	073 DET
20. POM Louis Aponte	07454	957850	WARRSEC
21. POM Brian Mahon	23144	949240	GVSD Z1
22. POM Jonathan Aquino	15569	957337	073 PCT
23. LT Alexander Bobo	00000	947985	060 DET
24. POM John Freund	31081	954827	073 PCT
25. POM Brian Cheng	16145	957452	073 PCT
26. POM Michael Flannery	07472	958591	GVSD Z1
27. Sean Slowski		959253	
28. CPT Derby Stfort	00000	937848	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SDS Yancy Blowe	Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against § 87(2)(b)	
B.SDS Yancy Blowe	Abuse: Sergeant Yancy Blowe entered § 87(2)(b) in Brooklyn.	
C.SDS Yancy Blowe	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe damaged § 87(2)(b) property.	
D.SDS Yancy Blowe	Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used a Taser on § 87(2)(b)	
E.POM Orkhan Mamedov	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov spoke discourteously to § 87(2)(b)	
F.POF Faedlie Jacques	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to § 87(2)(b)	
G.POF Faedlie Jacques	Force: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques used physical force against § 87(2)(b)	
H.POF Faedlie Jacques	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to § 87(2)(b)	
I.POF Faedlie Jacques	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques threatened § 87(2)(b) with the use of force.	
J.POF Faedlie Jacques	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to § 87(2)(b)	
K.POF Faedlie Jacques	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to Individuals.	
L.POF Faedlie Jacques	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques made remarks to Individuals based upon race.	
M.SGT Zul Chowdhury	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Zul Chowdhury damaged § 87(2)(b) property.	
N.SDS Yancy Blowe	Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
O.SDS Yancy Blowe	Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against § 87(2)(b)	
P.SDS Yancy Blowe	Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe restricted § 87(2)(b) breathing.	
Q.POM Charles Ji	Force: At the 73rd Precinct stationhouse in Brooklyn, Police Officer Charles Ji used a chokehold against § 87(2)(b)	
R.SDS Yancy Blowe	Abuse: At thje 73rd Precinct stationhouse, Sergeant Yancy Blowe did not obtain medical treatment for § 87(2)(b)	

Case Summary

On December 6, 2019, § 87(2)(b) filed this complaint with IAB § 87(2)(b) on behalf of herself and her sons, § 87(2)(b) § 87(2)(b) and § 87(2)(b) and § 87(2)(b) girlfriend, § 87(2)(b) (**01 Board Review**).

On December 4, 2019, at approximately 7:45 PM, Sergeant Charles Blowe and Police Officer Randel Guy, of the Gun Violence Suppression Division, went to § 87(2)(b) in Brooklyn to arrest § 87(2)(b) on a bench warrant for petit larceny (**26 Board Review**). Police Officer Faedlie Jacques and Nil Musa, both from the 73rd Precinct, were on a foot post at the location, and went with Sgt. Blowe and PO Randel to § 87(2)(b). Sgt. Blowe used force against § 87(2)(b) (**Allegation A, Force: § 87(2)(g)**). Sgt. Blowe entered § 87(2)(b) and damaged a bathroom door inside (**Allegation B and Allegation C, Abuse of Authority: § 87(2)(g)**). Sgt. Blowe used a Taser against § 87(2)(b) (**Allegation D, Force: § 87(2)(g)**) and Police Officer Orkhan Mamedov of the 73rd Precinct spoke discourteously to § 87(2)(b) (**Allegation E, Discourtesy: § 87(2)(g)**). PO Jacques spoke discourteously to and used force against § 87(2)(b) (**Allegation F, Discourtesy: § 87(2)(g)**) and **Allegation G, Force: § 87(2)(g)**. PO Jacques spoke discourteously to § 87(2)(b) and threatened him with the use of force (**Allegation H, Discourtesy: § 87(2)(g)**) and **Allegation I, Abuse of Authority: § 87(2)(g)**. PO Jacques spoke discourteously to § 87(2)(b) (**Allegation J, Discourtesy: § 87(2)(g)**). § 87(2)(b) spoke discourteously to individuals (**Allegation K and Allegation L, Discourtesy: § 87(2)(g)**). Sergeant Zul Chowdhury of the 73rd Precinct damaged § 87(2)(b) property (**Allegation M, Abuse of Authority: § 87(2)(g)**). Sgt. Blowe used physical force against § 87(2)(b) (**Allegation N and Allegation O, Force: § 87(2)(g)**) and allegedly restricted § 87(2)(b) breathing (**Allegation P, Force: § 87(2)(g)**).

At the 73rd Precinct stationhouse in Brooklyn, Police Officer Charles Ji used a chokehold against § 87(2)(b) (**Allegation Q, Force: § 87(2)(g)**). Sgt. Blowe allegedly refused to obtain medical treatment for § 87(2)(b) (**Allegation R, Abuse of Authority: § 87(2)(g)**).

This case was originally assigned to Investigator Magdalena Azmitia and was reassigned to Supervising Investigator Tessa Yesselman after Inv. Azmitia's departure from the CCRB.

The CCRB received BWC (**04 Board Review**) and cell phone video (**Board Review 29-Board Review 33**) of this incident.

§ 87(2)(b) (**27 Board Review**) was arrested regarding this incident and charged with resisting arrest, obstructing governmental administration, and disorderly conduct. § 87(2)(b) (**28 Board Review**) was arrested and received the same charges.

Findings and Recommendations

Allegation (A) Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against § 87(2)(b).

On December 4, 2019, at approximately 7:45 PM, inside of § 87(2)(b) in Brooklyn, § 87(2)(b) (**03 Board Review**) was standing in the hallway in front his § 87(2)(b) with § 87(2)(b) his girlfriend. § 87(2)(b) saw Sgt. Blowe, PO Randel, PO Jacques, and PO Narbay walking down the hallway towards him and § 87(2)(b) § 87(2)(b) went into his apartment and closed the door and § 87(2)(b) remained in the hallway. § 87(2)(b) heard the officers speak with the § 87(2)(b) so he opened the door and told § 87(2)(b) to come inside. § 87(2)(b)

began to back into the apartment and the officers grabbed at him to try and pull him out. Sgt. Blowe grabbed § 87(2)(b) by the hair and pulled him out of the apartment.

Sgt. Blowe (05 Board Review) stated that he told § 87(2)(b) he had a warrant. § 87(2)(b) immediately walked out of the stairwell and into the hallway. § 87(2)(b) remained in the stairwell. § 87(2)(b) came back into the stairwell and told Sgt. Blowe not to speak to his girlfriend. Sgt. Blowe tried to grab one of § 87(2)(b) wrists to put handcuffs on him. § 87(2)(b) backed away from Sgt. Blowe, and went from the stairwell, into the hallway, and to the front door of § 87(2)(b). Sgt. Blowe told § 87(2)(b) again that he had a warrant and he responded, "I don't have no fucking warrant." Sgt. Blowe tried to grab § 87(2)(b) wrist again and § 87(2)(b) flailed his arms, grabbed Sgt. Blowe's hand and pushed it away, and tensed his body and arms up, tried to cross his arms in front of his body, and yelled for his brothers to come out. The door to the apartment was open. § 87(2)(b) was trying to go inside of the apartment and Sgt. Blowe was trying to pull him back into the hallway. Sgt. Blowe grabbed either § 87(2)(b) t-shirt or his hair to pull him into the hallway.

Sgt. Blowe was shown footage from his BWC, lodged in IA 137 (04 Board Review), file ending 43.40 from :00-2:10. After viewing the footage, Sgt. Blowe stated that it looked like he grabbed § 87(2)(b) hair. Sgt. Blowe grabbed what he could grab to get him out of the apartment because he was fighting and resisting being pulled out of the apartment.

Footage from Sgt. Blowe's BWC begins with Sgt. Blowe approaching § 87(2)(b) in Brooklyn. § 87(2)(b) is sitting in front of the door. At :30 § 87(2)(b) opens the door. At :45, Sgt. Blowe grappled with § 87(2)(b) § 87(2)(b) and § 87(2)(b). At 1:10, Sgt. Blowe pulls § 87(2)(b) out of the apartment by his hair and pulls him into the building hallway (04 Board Review).

NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, members of the service should consider several factors including the nature and severity of the crime/circumstance and the actions taken by the subject (12 Board Review).

It is undisputed that Sgt. Blowe grabbed and pulled § 87(2)(b) by the hair. Sgt. Blowe stated that he did so unintentionally and meant to grab his arm. It is undisputed that there was a physical struggle between Sgt. Blowe and § 87(2)(b) and undisputed that bystanders were attempting to intervene. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Force: Sergeant Yancy Blowe entered § 87(2)(b) in Brooklyn.
Allegation (C) Abuse of Authority: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe damaged § 87(2)(b) property.

§ 87(2)(b) (02 Board Review) stated that he was inside of his apartment, located at § 87(2)(b) in Brooklyn. § 87(2)(b) went to the front of the apartment because he heard yelling and saw multiple police officers, including an officer pulling § 87(2)(b) hair. The officers were trying to pull § 87(2)(b) out of the apartment. Some officers stood between § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) preventing § 87(2)(b) from getting close. § 87(2)(b) went back inside the apartment. Sgt. Yancy Blowe followed him inside. § 87(2)(b) went into the bathroom and shut the door. Sgt. Blowe kicked the bathroom door, causing damage to the bottom of the door.

Sgt. Blowe (05 Board Review) stated that § 87(2)(b) and § 87(2)(b) came into the hallway and started to try and prevent the officers from arresting § 87(2)(b). § 87(2)(b) jumped on Sgt. Blowe's back and tried to pull Sgt. Blowe's arms and hands away from § 87(2)(b). § 87(2)(b) was yelling, "Get off my brother." Sgt. Blowe shook § 87(2)(b) off his back. § 87(2)(b) fell to the ground and landed on his side. § 87(2)(b) immediately started to try and get up to try and fight with Sgt. Blowe and prevent him from arresting § 87(2)(b). § 87(2)(b) was not in handcuffs at this point and was also on the ground, next to § 87(2)(b).

§ 87(2)(b) ran back into the apartment. Sgt. Blowe ran after him and entered the apartment. § 87(2)(b) ran into the bathroom and shut the door behind him. Sgt. Blowe did not know if there were weapons in the bathroom or if there was a window in the bathroom and § 87(2)(b) could escape from it. Sgt. Blowe entered the apartment with the intention of arresting § 87(2)(b) for obstructing governmental administration because he was trying to keep the officers from conducting the lawful arrest of § 87(2)(b). Sgt. Blowe tried to kick the doorknob to get the door open but he missed and kicked the bottom of the door, causing damage to the door. The door remained closed. Sgt. Blowe heard a commotion from the hallway outside of the front door.

A photograph provided to the CCRB by § 87(2)(b) the attorney for the § 87(2)(b) and § 87(2)(b) family, shows damage to the bottom of the bathroom door (34 Board Review).

As per *Payton v. New York*, 445 U.S. 573: Police are prohibited from making warrantless and nonconsensual entries into subjects homes in order to make routine felony or misdemeanor arrests (43 Board Review).

Sgt. Blowe responded to this location with the intention of taking § 87(2)(b) into custody. § 87(2)(b) was not an intended target. § 87(2)(b) acknowledged trying to interfere in Sgt. Blowe's arrest of § 87(2)(b) but by exiting the scene of the arrest and shutting himself in the bathroom inside of his apartment, he eliminated himself as a physical hinderance to the arrest and § 87(2)(b) was handcuffed and brought into custody without further issue. The charges for which Sgt. Blowe was pursuing § 87(2)(b) resisting arrest, obstructing governmental administration, and disorderly conduct- are all non-violent misdemeanor offenses. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used a Taser on § 87(2)(b)

Allegation (E) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Orkhan Mamedov spoke discourteously to § 87(2)(b)

§ 87(2)(b) (35 Board Review) stated that he heard § 87(2)(b) yelling from the front of the apartment and saw police officers trying to pull § 87(2)(b) out of the apartment by his hair. § 87(2)(b) did not understand what was happening and yelled at the officers to stop because they did not have any evidence. § 87(2)(b) tried to reach for § 87(2)(b) and the tried to grab him. § 87(2)(b) and § 87(2)(b) tripped onto the ground outside of the apartment as the officers continued to try and pull § 87(2)(b) away. § 87(2)(b) held onto § 87(2)(b)

§ 87(2)(b) hand and his arms to prevent them from pulling § 87(2)(b) farther. Sgt. Blowe pulled out his taser and shouted at § 87(2)(b) “Stop! I’ll tase you,” and then deployed the taser. One prong landed on his left thigh, while the other hit his left elbow. Immediately after he was tased, § 87(2)(b) took one of the prongs out of his body.

Sgt. Blowe (**05 Board Review**) stated that § 87(2)(b) and Jamani § 87(2)(b) came into the hallway and started to try and prevent the officers from arresting § 87(2)(b) § 87(2)(b) jumped on Sgt. Blowe’s back and tried to pull Sgt. Blowe’s arms and hands away from § 87(2)(b) § 87(2)(b) was yelling, “Get off my brother.” Sgt. Blowe shook § 87(2)(b) off his back. § 87(2)(b) fell to the ground and landed on his side. § 87(2)(b) immediately started to try and get up to try and fight with Sgt. Blowe and prevent him from arresting § 87(2)(b) § 87(2)(b) was not in handcuffs at this point and was also on the ground, next to § 87(2)(b) Sgt. Blowe took his Taser out and said, “I’m going to Tase you.” Sgt. Blowe immediately deployed his Taser in prong mode.

At :30 in Sgt. Blowe’s BWC (**04 Board Review**), § 87(2)(b) opens the door. At :45 Sgt. Blowe and other officers enter the apartment and begin to grapple with § 87(2)(b) and his siblings, § 87(2)(b) and § 87(2)(b) At 1:10 minutes, Sgt. Blowe pulls § 87(2)(b) out of the apartment into the building hallway. Sgt. Blowe and officers continues to grapple with § 87(2)(b) and § 87(2)(b) who is physically clinging to § 87(2)(b) At 1:50, Sgt. Blowe deploys his taser on § 87(2)(b) who is on the floor in the hallway with § 87(2)(b) and is subsequently handcuffed.

The TRI prepared by Sgt. Blowe reads that he used a taser, forcible take down, hand strike, and wrestling/grappling and did so to overcome resisting or aggression, and to subdue a fleeing suspect (**23 Board Review**).

PO Mamedov was not interviewed by the investigation because the CCRB was able to determine the jurisdiction without his testimony.

At 1:48 of PO Mamedov’s BWC, labeled 2019-12-04-19-47-16, (**04 Board Review**) § 87(2)(b) is pictured on the ground. PO Mamedov assists in handcuffing § 87(2)(b) At 2:10, PO Mamedov tells § 87(2)(b) to “stop fucking moving.”

On February 25, 2021, Joseph Profeta, the Commanding Officer from Internal Affairs Bureau Group 54, notified Sgt. Blowe that the IAB investigation exonerated all of the allegations against him (**09 Board Review**).

§ 87(2)(b) medical records show that he received medical attention on § 87(2)(b) The records state that he was brought in after being tased. EMS did not find any taser prongs on him (**08 Board Review**).

Patrol Guide Procedure 221-08 states that a Conducted Electrical Weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical (**11 Board Review**).

Police Department v. Pichardo, DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (**13 Board Review**).

§ 87(2)(b) acknowledged actively trying to physically prevent Sgt. Blowe and other police officers from arresting § 87(2)(b). BWC footage confirms that § 87(2)(b) was attempting to intervene in § 87(2)(b) apprehension and shows that multiple people were trying to physically prevent the officers from apprehending § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (F) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to § 87(2)(b)

Allegation (G) Force: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques used physical force against § 87(2)(b)

§ 87(2)(b) (03 Board Review) stated that after Sgt. Blowe pulled him by his hair out of the apartment, that officers tried to handcuff him while he was on the ground. § 87(2)(b) saw § 87(2)(b) run into the apartment and into the bathroom. Officers ran after § 87(2)(b) into the apartment. § 87(2)(b) was worried about § 87(2)(b) so he got up off of the ground and went into the apartment. One of § 87(2)(b) wrists' was handcuffed. PO Jacques approached § 87(2)(b) handcuffed him, and walked him out of the apartment.

PO Jacques (07 Board Review) stated that she and PO Narbay tried to grab § 87(2)(b) hands to subdue him. § 87(2)(b) pulled away and back. § 87(2)(b) pushed PO Jacques and PO Narbay and went back into the apartment. PO Jacques followed him and told him to put his hands behind his back, and he verbally refused. PO Jacques and PO Narbay grabbed § 87(2)(b) hands. § 87(2)(b) resisted and kicked, but they were able to turn him and lay him on the side of the couch near the apartment door. PO Jacques and PO Narbay then grabbed § 87(2)(b) hands and handcuffed him. PO Jacques asked § 87(2)(b) "Why did we have to do all of that? You guys didn't even give us the opportunity to let you know who we were looking for and what was the purpose of this visit. All of this didn't have to go there." § 87(2)(b) responded, "Fuck you, bitch. Suck my dick."

At 4:05 of PO Jacques BWC, labeled as 2019-12-04_19-43-46, (04 Board Review) she enters the apartment. At 4:09 she pushes § 87(2)(b) against a couch. At 4:15 minutes, she tells him, "Stay the fuck down," while still pushing him against a couch. PO Jacques holds § 87(2)(b) down and makes several discourteous statements, including telling § 87(2)(b) that he had a "fucking warrant" and just needed to go to "fucking court."

The TRI prepared by PO Jacques (24 Board Review) reads that the type of force used was wrestling/grappling and was used in defense of other MOS, to overcome resistance aggression or resistance, and in defense of herself.

On March 1, 2021, Inspector Derrick Corrade, the Commanding Officer of Zone III from Internal Affairs Bureau, notified PO Jacques that the force allegations against her in the IAB investigation were exonerated (09 Board Review).

Police Department v. Pichardo, DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (13 Board Review).

NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when

it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, members of the service should consider several factors including the nature and severity of the crime/circumstance and the actions taken by the subject (**12 Board Review**).

§ 87(2)(b) acknowledged resisting arrest by getting up off of the ground and going back into his apartment after officers had brought him to the ground to bring him into custody and had one handcuff on. § 87(2)(g)

Allegation (H) Discourtesy: Police Officer Faedlie Jacques spoke discourteously to § 87(2)(b).

Allegation (I) Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques threatened § 87(2)(b) with the use of force.

§ 87(2)(b) (**02 Board Review**) stated that after Sgt. Blowe stopped kicking the door, he left the bathroom and went back into the hallway. § 87(2)(b) saw that § 87(2)(b) was holding on to § 87(2)(b). Sgt. Blowe used a taser on § 87(2)(b) and he let go of § 87(2)(b). § 87(2)(b) was handcuffed. § 87(2)(b) tried to get closer to his brothers, but PO Jacques pointed a taser at him. § 87(2)(b) turned around and went back into the apartment and into the bathroom.

PO Jacques (**07 Board Review**) provided testimony consistent with Sgt. Blowe regarding the difficulty of bringing § 87(2)(b) into custody. PO Jacques stated that she and PO Narbay tried to grab § 87(2)(b) hands to subdue him. § 87(2)(b) pulled away and back. PO Jacques then took out her taser. PO Jacques told § 87(2)(b) “If you don’t stop trying to get involved, if you don’t stop resisting, I’m going to tase you. Back off.” When she saw that there was enough distance between them, PO Jacques holstered her taser.

At 2:00 of PO Jacques BWC, labeled as 2019-12-04_19-43-46, (**04 Board Review**) she points a Taser at § 87(2)(b) and says, “Get the fuck back.” PO Jacques stated that she pointed her Taser at § 87(2)(b) and made that statement because the situation was stressful and chaotic, and § 87(2)(b) because he was fighting with the officers, resisting arrest, and attempting to prevent officers from taking other people into custody.

Police Department v. Pichardo, DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (**13 Board Review**).

Patrol Guide Procedure 221-08 states that a Conducted Electrical Weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical (**11 Board Review**).

§ 87(2)(g)

§ 87(2)(g)

and acknowledged actively trying to flee arrest, by going in and out of his apartment. § 87(2)(g)

Allegation (J) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to § 87(2)(b)

(Allegation (K) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to Individuals.

Allegation (L) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Faedlie Jacques spoke discourteously to Individuals.

§ 87(2)(b) was uncooperative with the investigation and did not provide a statement (**39 Board Review**).

As discussed in the allegations above, PO Jacques' BWC captures her making multiple discourteous statements. PO Jacques made additional discourteous statements that were directly to the crowd as a whole and to § 87(2)(b)

PO Jacques' BWC, labeled as 2019-12-04_19-43-46, (**04 Board Review**) begins with PO Jacques and other officers approaching § 87(2)(b) At 20 seconds, Sgt. Blowe enters the apartment. Officers engage in a physical struggle with § 87(2)(b) § 87(2)(b) and § 87(2)(b) At 1:05 minutes, PO Jacques tells an unknown individual to "stay the fuck back." At 1:20 minutes, PO Jacques pulls § 87(2)(b) backwards by her hood and tells her to "Stay the fuck back." At 1:40 minutes, an unknown white male officer pushes § 87(2)(b) backwards. At 2:30 minutes, PO Jacques says to unknown individuals, "Get the fuck back. What the fuck is wrong with y'all?"

At 2:45 minutes, PO Jacques says to an unknown individual, "Where the fuck you think you're going?" At 3:05 minutes, she tells an unknown individual, "Stay the fuck back." At 5:10 minutes, PO Jacques says to unknown individuals, "You all want to act like fucking animals." Finally, at 5:15 minutes, PO Jacques tells an unknown individual to "stay the fuck back."

§ 87(2)(b) was not cooperative with the investigation and did not provide a statement. § 87(2)(g)

Police Department v. Pichardo, DAO-DCT Case #201515012 states that officers may use limited profanity towards civilians to gain control of a dynamic situation (**13 Board Review**).

PO Jacques' discourteous statements made to unknown individuals § 87(2)(g) were not made while PO Jacques was physically attempting to bring individuals into custody. § 87(2)(g)

Allegation (M) Abuse of Authority: At § 87(2)(b) in Brooklyn, Sergeant Zul Chowdhury damaged § 87(2)(b) property.

§ 87(2)(b) stated that Sgt. Chowdhury kicked the dining table, threw a bicycle at the dining table, and threw objects around the apartment.

Sgt. Chowdhury stated that when he arrived at the location he went into the apartment and saw Sgt. Blowe in a bedroom with § 87(2)(b) The apartment was crowded with officers and civilians

and was also cluttered with household items. Sgt. Chowdhury moved a kitchen table onto its side and leaned a bike against the table to make room for officers and civilians to move around safely. Sgt. Chowdhury did not kick or throw any furniture and did not damage any furniture.

At 2:30 of Sgt. Chowdhury's BWC he enters the apartment and at 2:45 he turns over a dining table and moves a bicycle. Sgt. Chowdhury exits the apartment.

Photographs provided to the CCRB by § 87(2)(b) the attorney for the § 87(2)(b) and § 87(2)(b) family, show the overturned table and bicycle (34 Board Review). There is no apparent damage to the items.

§ 87(2)(g)

Allegation (N) Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against § 87(2)(b)

Allegation (O) Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe used physical force against § 87(2)(b)

Allegation (P) Force: At § 87(2)(b) in Brooklyn, Sergeant Yancy Blowe restricted § 87(2)(b) breathing.

§ 87(2)(b) (02 Board Review) stated that after he left the bathroom, he went back into the hallway, and then went back into the apartment and into a bedroom. There was a window on the far side of the bedroom, with the bed between the door and the window. § 87(2)(b) was standing between the bed and the window when Sgt. Blowe entered the room, grabbed him by his upper body, and pushed him onto the bed. PO Ji and PO Slowski entered the bedroom and helped to hold him down on the bed. There was a pillowcase in a plastic bag on the bed. Sgt. Blowe pushed § 87(2)(b) face down on the bed and pushed his head against the plastic bag. § 87(2)(b) repeatedly said that he could not breathe. One of the officers handcuffed him and picked him up off the bed.

Sgt. Blowe (05 Board Review) stated that he tried to put handcuffs on § 87(2)(b) in the hallway, but he ran back into the apartment and into a dark bedroom. Sgt. Blowe followed after him, but left the bedroom to wait for backup before going in because the room was dark. Sgt. Blowe told PO Ji and PO Slowski to come in the bedroom with him. Sgt. Blowe walked into the bedroom first and PO Slowski and PO Ji followed behind him. Sgt. Blowe turned a light on. § 87(2)(b) was standing in the rear of the bedroom by a window. Sgt. Blowe thought that § 87(2)(b) was trying to escape from the window because he was touching the window. Sgt. Blowe told him to put his hands behind his back. § 87(2)(b) turned around and held his fists in front of his face in a fighting stance. Sgt. Blowe approached § 87(2)(b) and struck him on one of his shoulders with a closed fist, and then pushed him down on to the bed on his stomach. Sgt. Blowe tried to grab his arms and secure them behind his back. PO Slowski and PO Ji also tried to grab his arms. § 87(2)(b) moved his arms around, tensed his arms, and tried to hold his arms in front of his body. He was also kicking and flailing his legs. Sgt. Blowe told § 87(2)(b) to stop resisting, that he was under arrest, and to put his hands behind his back. Sgt. Blowe did not recall seeing a pillow in a plastic bag on the bed. Sgt. Blowe did not push § 87(2)(b) head into plastic on the bed and he did not see any other officer do so. After § 87(2)(b) was handcuffed and stood up he said that he could not breathe when he was on the bed.

The TRI prepared by Sgt. Blowe (**23 Board Review**) reads that he used a taser, forcible take down, hand strike, and wrestling/grappling and did so to overcome resisting or aggression, and to subdue a fleeing suspect.

When PO Ji (**06 Board Review**) arrived at the location, he stated that he went towards a bedroom because he had caught a quick glimpse of Sgt. Blowe inside. Sgt. Blowe was standing at the foot of the bed and § 87(2)(b) was on the side of the bed. Sgt. Blowe was trying to put handcuffs on § 87(2)(b) who had his hands up in a fighting stance with his fists in front of his chest. Sgt. Blowe “threw” § 87(2)(b) on to the bed. PO Ji did not recall what action Sgt. Blowe took to put the civilian on to the bed. PO Ji and PO Slowski jumped on to the bed to put § 87(2)(b) in handcuffs. PO Ji did not know if Sgt. Blowe was involved in putting handcuffs on the civilian. PO Ji did not recall how the civilian was oriented on the bed because it happened very quickly. PO Ji grabbed the civilians arms and PO Slowski grabbed his legs because he was kicking. PO Ji did not see any officer push § 87(2)(b) head against a plastic bag. PO Ji did not recall hearing § 87(2)(b) complain that he could not breathe while he was on the bed.

PO Slowski was not interviewed because he retired from the NYPD (**14 Board Review**).

At :35 of PO Slowski’s BWC (**04 Board Review**), labeled as 2019-12-04_19-48-36, he enters the bedroom behind Sgt. Blowe and PO Ji. At :38 Sgt. Blowe strikes § 87(2)(b) Sgt. Blowe and § 87(2)(b) are both standing. It is not clear where the strike lands. At :40 Sgt. Blowe moves § 87(2)(b) to the bed. PO Slowski holds § 87(2)(b) legs.

At 2:00 of PO Thomas Turner’s BWC, labeled as 2019-12-04-19-47-40 (**04 Board Review**), PO Turner enters the apartment at 2:00 minutes. At 2:20 he enters a bedroom. Sgt. Blowe, PO Ji, and PO Slowski are on the bed with § 87(2)(b) trying to put him in handcuffs. § 87(2)(b) says that he cannot breathe. Sgt. Blowe is at the top of the bed closest to § 87(2)(b) head, PO Ji is in the middle, and PO Slowski is at § 87(2)(b) legs.

Patrol Guide Procedure 221-02 states that an officer may use only the reasonable force necessary to gain control or custody of a subject. The procedure also enumerates factors officers should consider when determining whether use of force is reasonable. The factors are as follows:

- a. The nature and severity of the crime/circumstances
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject’s violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic (**12 Board Review**).

§ 87(2)(g)

§ 87(2)(b) In this allegation, § 87(2)(b) retreated into the apartment for a second time and was standing alone in a bedroom when Sgt. Blowe approached him again. Sgt. Blowe posited that § 87(2)(b) was in a fighting stance. Video evidence does not

support this claim. § 87(2)(b) was not a threat to the officers and was greatly outnumbered three to one by officers who physically engaged with him. An additional number of officers gathered in the bedroom as spectators, lowering § 87(2)(b) physical threat and ability to flee even lower. § 87(2)(g)

§ 87(2)(g)

Allegation (Q), Force: At the 73rd Precinct Stationhouse in Brooklyn, Police Officer Charles Ji used a chokehold against § 87(2)(b)

§ 87(2)(b) (02 Board Review) did not allege that PO Ji used a chokehold against him at the 73rd Precinct stationhouse.

PO Ji (06 Board Review) stated that he transported § 87(2)(b) to the 73rd Precinct stationhouse. There was an arrest in front of PO Ji and § 87(2)(b) so they had to wait for § 87(2)(b) to get stamped into the command log. § 87(2)(b) was yelling and cursing and at some point while they were waiting he spit on the ground. PO Ji held § 87(2)(b) against a wall while they waited and had his hand on one of § 87(2)(b) shoulders. § 87(2)(b) continued to scream and shifted in place by rocking back and forth and otherwise not staying still. PO Catapano began to search § 87(2)(b) pockets because it is standard arrest processing procedure and he was going to be lodged in the holding cells. PO Ji still had his hand on § 87(2)(b) shoulder and felt that he was about to make a movement. PO Ji did not know what the movement was going to be but thought that it could have been a movement to lurch forward or swing his legs, or any variety of other movements. PO Ji wanted to prevent him from making any movements. PO Ji shoved § 87(2)(b) against the wall, and then down against a table. The front of § 87(2)(b) body was against the wall. PO Ji moved § 87(2)(b) from the wall to the table by “tossing” him, grabbing him, and placing him against the table. PO Ji tried to grab § 87(2)(b) chest but ended up grabbing his collarbone area. § 87(2)(b) was face up on the table. PO Ji did not recall if he verbally told § 87(2)(b) to stop moving. PO Ji did this to prevent § 87(2)(b) from making any movements. PO Ji took his hands off of § 87(2)(b) once he was on the table.

PO Ji was shown footage from his BWC, between 6:00-6:57. At the beginning of the clip § 87(2)(b) complains about plastic being in his face. PO Ji reiterated that he did not recall him having plastic on his face. PO Ji thought that it looked like § 87(2)(b) was seated on the table and that while he was seated on the table PO Catapano was searching his pockets. PO Ji thought that he felt § 87(2)(b) try to make a movement while he was seated on the table. § 87(2)(b) was not holding still. PO Ji tried to make contact with his chest so his hand might have slipped and landed on his throat. His throat was not the target.

PO Ji’s BWC (04 Board Review), labeled as 2019-12-04 19-58-22, shows that at 6:15 PO Ji engages in a short struggle with § 87(2)(b) PO Ji places a hand on § 87(2)(b) throat and pushes him back onto the table. PO Ji removes his hand immediately. A screenshot of PO Ji’s BWC from 6:24 shows PO Ji’s hand wrapped around the front of § 87(2)(b) throat.

On October 26, 2020, Joseph Profeta, the Commanding Officer from Internal Affairs Bureau Group 54, recommended charges and specifications against PO Ji for using a chokehold. DI Profeta

requested that PO Ji's probationary status be extended (**09 Board Review**).

Patrol Guide Procedure 221-01 (12 Board Review) prohibits officers from using chokeholds and defines chokeholds as including but not limited to: "Any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air."

The Patrol Guide prohibits the use of chokeholds. PO Ji's BWC footage shows that PO Ji put his hand around § 87(2)(b) neck. § 87(2)(g)

Allegation (R), Abuse of Authority: At the 73rd Precinct Stationhouse in Brooklyn, Sergeant Yancy Blowe refused to provide medical attention for § 87(2)(b).

§ 87(2)(b) (**02 Board Review**) stated that after he was placed in a holding cell, two EMT's arrived and he told them that he wanted to be examined in case he had sustained any injuries. Sgt. Blowe said that § 87(2)(b) did not need medical attention because "he didn't get tased."

Sgt. Blowe (**05 Board Review**) stated that when he got back to the stationhouse he called over the radio for medical attention for everyone who had been arrested. Sgt. Blowe did this because § 87(2)(b) had been tased so he automatically required medical attention, and everyone else who was brought into custody had resisted so they could have been injured. § 87(2)(b) did not specifically request medical attention from Sgt. Blowe and Sgt. Blowe did not tell him that he did not need it because he had not been tased.

§ 87(2)(g)

Allegations Not Pleaded

Abuse of Authority: Outside of § 87(2)(b) in Brooklyn, Police Officer Brett Woodard did not obtain medical treatment for § 87(2)(b)

Abuse of Authority: Outside of § 87(2)(b) in Brooklyn, Police Officer Michael Flannery did not obtain medical treatment for § 87(2)(b)

Abuse of Authority: Outside of § 87(2)(b) in Brooklyn, Police Officer Brett Woodard threatened § 87(2)(b) with the use of force.

At 5:29 of PO Woodard's BWC § 87(2)(b) says, "I need medical attention right now." PO Woodard responds, "We'll get you to the hospital." At 6:15 § 87(2)(b) says, "My wrist is broken." PO Woodard responds, "It's not broken yet." PO Flannery's BWC shows the same interaction, starting at 1:49.

§ 87(2)(b) (**03 Board Review**) did not allege that officers refused to provide him medical attention or that officers threatened him with the use of force.

PO Flannery (**41 Board Review**) did not recall § 87(2)(b) requesting medical attention, despite being shown footage from his BWC. PO Flannery remembered that PO Woodard had difficulty finding a transport vehicle for § 87(2)(b) and that was his priority. PO Flannery thought that because the scene was chaotic, it would not have been safe for § 87(2)(b) to get medical attention at the location and that he should have received medical attention at the station house. PO Flannery did not know who transported § 87(2)(b) to the station house or who his arresting officer was.

PO Flannery did not recall telling any other officers about § 87(2)(b) request for medical attention. PO Flannery did not have any further interaction with § 87(2)(b) after he was put in the transport vehicle.

PO Woodard was promoted to detective since the time of this incident. The CCRB attempted to interview him on multiple occasions but was unable to do so. On the first attempt he had court, on the second he appeared at the CCRB but the Detectives Endowment Association failed to send legal representation, and on the third he was not notified due to vacation.

§ 87(2)(b) did not allege that officers refused to provide him medical attention or that officers threatened him with the use of force. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) have been party (**Board Review 19-Board Review 22**).
- Sgt. Blowe has been a member of service for eighteen years and has been a subject in twelve previous CCRB complaints and nineteen allegations, none of which were substantiated. Sgt. Blowe has six previous physical force allegations.
- PO Flannery has been a member of service for six years and has been a subject in one previous CCRB complaint with one allegation, which was not substantiated. § 87(2)(g)
- PO Jacques has been a member of service for three years and this is the first CCRB complaint to which she has been a subject.
- PO Ji has been a member of service for three years and has been a subject in three previous CCRB complaints and four allegations, none of which were substantiated. PO Ji has two previous physical force allegations.
- PO Mamedov has been a member of service for three years and has been a subject in four previous CCRB cases and twenty allegations, none of which were substantiated. PO Mamedov has two previous discourtesy allegations.
- PO Woodard has been a member of service for six years and has been a subject in eight previous CCRB complaints and fifteen allegations, of which one was substantiated.
 - CCRB case 201903672 involved a substantiated allegation of refusal to provide a business card. The Board recommended instructions and the NYPD imposed instructions.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York (**37 Board Review**) claiming excessive force, assault, battery, violation of civil rights, mental and emotional injuries, negligence, prima facie tort, negligent hiring, negligent retention, negligent discipline, financial loss, conspiracy, respondeat superior, and various federal claims. The claim seeks an amount to be determined at trial. § 87(2)(b)

- § 87(2)(b) filed a Notice of Claim with the City of New York with the same claims listed above, also with the claim amount to be determined at trial (**25 Board Review**). § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 4

Investigator:	<u>Tessa Yesselman</u>	<u>SI Tessa Yesselman</u>	<u>1/6/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>1/6/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date